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C O N F I D E N T I A L SECTION 01 OF 02 NAIROBI 000785

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DEPARTMENT FOR AF/E
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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [PHUM](#) [KE](#)
SUBJECT: THE SECRETARY'S LETTER AND THE REFORM AGENDA IN KENYA

REF: (A) STATE 34124 (B) NAIROBI 744

Classified By: AMBASSADOR MICHAEL E. RANNEBERGER FOR
REASONS 1.4 (B) AND (D)

FROM THE AMBASSADOR

1. (C) Summary. In response to the letter from Secretary Clinton, President Kibaki and Prime Minister Odinga both said that the reform agenda will move forward. While neither took responsibility for the slowness of implementation, they admitted that progress has been slow and that government action must be accelerated. The convening of Parliament on April 21 will intensify focus on the reform agenda. Pressure coming from the Kenyan people, coupled with that coming from the U.S., Kofi Annan, and others, is having a constructive impact. It appears that Kibaki and Odinga will make a renewed effort to have the Special Tribunal established in Kenya, and may move on aspects of police and judicial reform as well as corruption, but actual progress this will require our continued intensive engagement. End summary.

2. (C) I saw President Kibaki on April 15 and Prime Minister Odinga on April 17 to deliver the letter from Secretary Clinton (ref A). The letter, coming in the wake of the comments President Obama made about Kenya, was well-timed to influence the two leaders to move forward on reforms (see ref B for status of the reform agenda and our actions). The Secretary's letter arrived at about the same time that Kibaki and Odinga received a letter from British PM Gordon Brown along the same lines.

3. (C) Kibaki studied the letter for a long time before responding. He admitted that the reforms agreed to by the coalition government have not moved as quickly as expected, but put much of the blame on the Parliament, which must pass relevant legislation (such as to create the Special Tribunal to hold accountable those involved in post-election violence). He noted the media reports of tensions between him and Odinga, but insisted that relations between them remain good. He said that he and Odinga had just had an "excellent" meeting to iron out problems within the coalition regarding power-sharing and other issues, and that the two sides are working to set up parameters for coalition relations and a mechanism to resolve disputes (see septel). Kibaki blamed politicians on both his side and Odinga's for seeking to create problems in order to advance their selfish interests. Kibaki said that reform will be at the top of the agenda for Parliament when it reconvenes on April 21. He said that discussions are taking place on possible compromise options to set up the Special Tribunal. He also pointed out that the constitutional review process, one of the major reforms, is quietly moving ahead.

4. (C) I pressed Kibaki hard on the range of other reforms, including combating corruption, and police and judicial reform. In that regard, I noted concerns about extra-judicial killings. Although Kibaki would not be

specific, he stated: &I understand the concerns, but we are moving ahead. You will see action within the next month or so.8 Kibaki emphasized that he is committed to working closely with Odinga to implement the reform agenda, and is positive that there will be progress.

¶15. (C) We also used the opportunity of the visit of CODEL Adam Smith to press on the reform agenda. When Congressman Smith and his delegation met Kibaki on the 17th, they referred to the Secretary's letter and pressed Kibaki to implement reforms. Kibaki replied that he understands the desire of the Kenyan people and international community to see the reform agenda implemented, and that he is committed to doing so. Although he was not specific, Kibaki said that &I am confident we will move forward.8

¶16. (C) Odinga welcomed the Secretary's letter as important in building pressure for implementation of reforms, and tried to put the blame solely on Kibaki for lack of progress. (Comment: This is not accurate. See ref B for their shared responsibility for lack of progress. End Comment.) Odinga confirmed that he had a positive meeting with Kibaki, and that a joint effort is underway to resolve coalition differences. Odinga emphasized particularly the need for police and judicial reform, as well as steps against corruption. He also confirmed that efforts are underway to work out a compromise in order to establish the Special Tribunal. Overall, Odinga was upbeat. As a result of pressure from the Kenyan people and from the international community, Odinga said, things are starting to move. Odinga was optimistic that there may be serious movement on reforms within the next two months but, like Kibaki, he was not

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prepared to be specific (apart from mentioning the Special Tribunal and the continuing constitutional revision process).

¶17. (C) Comment. The combination of the President's comments on Kenya and the Secretary's letter has served as a wake-up call for Kibaki and Odinga. Heightened U.S. engagement comes constructively in the context of growing pressure from the Kenyan people (directly and through civil society, religious groups, the private sector, and media) to move ahead on reforms. I briefed Kofi Annan on the Secretary's letter, and he is continuing his engagement and pressure on Kibaki and Odinga. The Gordon Brown letter and a recent EU public statement are also helpful, although frankly UK and EU influence here remain limited, given their miscues during the crisis last year. Septel will provide an update on the recent wrangles within the coalition and efforts underway to sort them out. The reconvening of Parliament on April 21 will intensify public and political focus on the reform agenda. While we should not be overly optimistic, growing pressure may be moving Kibaki and Odinga toward taking some action on the reform agenda. How much action remains to be seen. It is also important to note that responsible action from Parliament will also be needed to implement reforms. End comment.
RANNEBERGER